

The Leesburg Planning Commission, along with the Leesburg Town Council met on Thursday, October 7, 2004 in the BP Amoco room of the Town Hall, 25 West Market Street, Leesburg, Virginia. Staff members present were Town Manager, John Wells, Susan Swift, David Fuller, Nancy Kitchens, Paul Gauthier and Linda DeFranco.

CALL TO ORDER

The meeting was called to order at 7:04pm by Mayor Kristen Umstattd and Chairman Clifton Vaughan.

ROLL CALL

Planning Commissioners Vaughan, Bangert, Barnes, Hoovler, Jones, Kalriess and Wright were in attendance.

Councilmembers Zoldos, Hammler, Horne, Burk, Martinez, and Mayor Umstattd were in attendance. Councilmember Kramer was absent.

COMPREHENSIVE PLANNING

Mayor Umstattd welcomed everyone and explained the purpose of this joint meeting as follows: Since there are many issues coming up around the town as new and redevelopment parcels, and some just outside the town limits that are in the Joint Land Management Area with the County, it was decided that the Planning Commission was the best group to work closely with these issues. The Council decided to share with the Commission their thoughts on some of the upcoming development that will take place. While citizen input is important, after speaking with several citizens regarding this meeting, it was decided that they would postpone their input until a future Council meeting, and be present at this meeting to take in the information that will be presented.

Town Manager John Wells addressed the group introducing himself to members of the public as the new town manager of five days. He gave a brief overview of the revised schedule of the town plan stating that it was the result of meeting with the Town Attorney and the Director of Planning, Zoning & Development and agreeing to a feasible timeline for completion of the draft Town Plan.

Planning, Zoning & Development Director, Susan Swift then addressed the group. She reviewed the schedule of the drafting of the Town Plan. If the Planning Commission and Town Council compress some meetings, additional time can be cut and the adoption date further accelerated. The first group of background papers was presented last month, the next group will be presented on November 18 and the final group will be presented on January 20. She then asked if there were any questions on the schedule.

There were no questions at this point.

There was some discussion on the acceleration process of the plan and whether compressing meetings would be feasible.

Councilmember Martinez stated that he would like to see the accelerated process and have joint meetings.

Commissioner Bangert said they need more than one public hearing on this.

Commissioner Hoovler asked if there was a way to have public meetings between worksessions to allow for more public input.

Chairman Vaughan said perhaps they could pattern the hearings after the format of the visioning sessions.

Commissioner Kalriess asked if consideration would be given to taking elements out of sequence and perhaps concentrating on certain areas or quadrants of the town.

Mayor Umstattd asked Susan Swift if the staff intention was to deal with everything in a comprehensive manner. Ms. Swift responded that yes, that was the direction they were taking. She went on to say that the staff can review cases, keeping in mind the intent of the comprehensive plan and preserve its quality. The plan should be presented as an overall plan, not a fragmented one.

Councilmember Martinez, asked about the November 18 date and asked if this would be another joint meeting to discuss the next group of background reports. Susan Swift responded that no, this was when the Planning Commission would receive the next report. Mr. Martinez said the way he understands it then is that they will receive information copies and be presented the full draft early next year. He would like to talk about certain portions of the background papers.

Councilmember Horne said that on October 20 there will be a joint EAC, EDC and PC meeting, so other commissions are being briefed.

Mayor Umstattd asked if they wanted parallel presentations and said it would add a significant amount of time to meetings. It was suggested that the Councilmembers speak with their respective Commissioners to keep abreast of the latest information on the draft. Also, contacting staff for information was encouraged.

Commissioner Hoovler said he realized that goals and objectives are being set, however, they will need to be decided on eventually. Where in the timeline does this appear? Will this occur at a joint Commission/Council meeting. Ms. Swift responded that the other Commissions will make the initial decisions and then Council would have the final say and make any necessary changes.

Chairman Vaughan said that he wants to make sure that there are two public hearings, one at Commission level and the other at Council level and leave the process in place as planned for right now.

Commissioner Jones said that he had some concerns because he thought this evening's joint meeting was to address land use issues facing the Town. He feels the format for the Town Plan process may be too slow for the current redevelopment and development coming down the pike. He feels the focus of this meeting should be to discuss the concerns both the Council and Commission have regarding the JLMA and UGA, along with parcels within the town.

CRESCENT DISTRICT

Town Manager John Wells explained that the Council wanted the \$50,000 disbursed from sources different than those presented and were happy that the funds are now going to be available.

Mayor Umstattd asked whether a separate area of town can be developed in a way that it could become incorporated into the Town Plan. Susan Swift replied that this could be done piecemeal. The Crescent District Master Plan might be done prior to the Town Council final review of the Town Plan.

Mayor Umstattd recognized that Councilmember Zoldos had arrived and asked him if he had a comments.

Councilmember Zoldos said he had no comment on the Crescent District. He did ask where the Commission and the council thought they would be at the end of the evening. He also where staff was on the Town Plan and why more hadn't been written. Focus areas need to be reviewed and who will be assigned to do this.

Mayor Umstattd stated that a revised schedule was given out tonight regarding the Town Plan and one of the purposes of the meeting was to discuss how to make sure that progress moves along on time. Mr. Zoldos felt that waiting nine more months was too long and if more staff was needed, or a consultant, then that might be the answer. Prioritize projects and complete segments of the town plan related to that.

Councilmember Horne asked why there was no timeline provided for the Crescent District and the Town Branch restoration project.

Councilmember Burk said the Town Plan draft and completion will probably not happen until after all of the development will have occurred.

Commissioner Jones said he was on the Crossroads committee and stated that the owners of property within this district are anxiously awaiting the town to give some direction. They realize that any decision impacts the overall town plan but would like to see something be put forward as soon as possible.

Commissioner Kalriess agreed with Councilmember Zoldos, the south part of town needs transportation remedies along with other issues and challenges. He feels that area should be the first priority followed by the Crescent District.

Commissioner Hoovler said there are many issues and feels that the Crescent District should take priority. He went on to question what would fall off the plate if staff focused on a particular area.

Susan Swift commented that the schedule presented this evening is realistic. A consultant could be hired to do the bulk of the technical work on the Crescent District, thereby relieving staff. Even with this possibility, it would still take about four months to complete a draft plan for the District.

Commissioner Jones asked how a plan for the District would impact the overall Town Plan.

Susan Swift replied that the District document could be amended into the Town Plan.

Commissioner Jones stated the need for a uniform document.

Councilmember Zoldos agreed that a uniform document with good foundation and framework will help establish priorities. He asked what the staffing needs were and if the framework can be built by staff or do consultants need to be brought in.

Susan Swift stated that adding consultants at this point would not speed up the process. At this point work on the plan is far enough along. Councilmember Zoldos asked if staff had begun to write the Town Plan. Ms. Swift replied that yes, the background papers have been written and much of this text will be the basis for the Town Plan. Mr. Zoldos said that if necessary, the Town should hire someone who knows how to write a Town Plan and get it moving forward.

Commissioner Bangert said that the goals and objectives are set. The Planning Commission has already reviewed them and provide input. She feels that the revised schedule presented tonight is on track and is moving forward just fine. Councilmember Zoldos said that based on experience, the March 17th date will be moved out.

Councilmember Martinez asked what the urgency was of pushing to complete the Plan sooner. The thrust should be to make sure that the Town Plan covers everything it needs to. He agreed that March 17th may not be realistic but added, how can adding staff even be considered when they don't know what the budget is.

Commissioner Wright asked if it was the intent of the Town Plan to incorporate neighborhood focus?

Susan Swift replied that there will be some neighborhood focus, however that is not the primary intent of the Plan.

Commissioner Wright said that right now there is too much of a gap between the presentation of the background material and the next step of plan presentation.

Susan Swift stated that reviewing the land use portion of the plan will occur simultaneously with the actual writing of portions of the plan. She went on to say that writing is happening and they are on track. Staff welcomes direction and input from the Commission and the Council.

Commissioner Wright said they need to know the big picture before the smaller focus areas are targeted. The Planning Commission is committed to getting the plan finalized, but the schedule is subject to delays.

Commissioner Hoovler asked when the transportation model would be received, and how this will impact the schedule.

Susan Swift replied that the new transportation model can't be used if they want to meet the schedule. They are using all of the information they have access to, but keep in mind that county amendments will impact the transportation situation in the town.

Commissioner Barnes also asked if staff could stick to the schedule.

Councilmember Hammler commented that she concurs with the main points of the Plan. She went on to state that the health, welfare and safety of the citizens should be the foremost consideration when writing the plan. She said that it is imperative to move quickly on the plan, but it is equally important to get adequate public input.

Commissioner Bangert asked if there was enough detail in the Muldrow report on the Crescent District to use it to make decisions. Susan Swift replied that the report could be used to an extent, but there is not enough detail to rely on it.

Commissioner Bangert asked the Town Council how they envision Crossroads as it related to the Crescent District. She also asked who was leading the direction?

Mayor Umstattd replied that the Planning Commission and Town Council are the final decision makers on the Crescent District. There is the possibility of losing homes, e.g., the mobile park, and they need to be mindful of whose welfare is at stake.

Commissioner Wright said that Crossroads did a good job. The question remains is there a different level in stakeholder share versus the general public.

Commissioner Jones said that Crossroads is part of the Main Street Loudoun program and is endorsed by the Town. He went on to say that the current Town Plan does not address the needs in the Crescent District area.

Town Attorney William Donnelly presented legal information on the Town Plan. He stated that by right uses can't be affected by the Town Plan. The Plan is important, however, in rezoning and special exception applications. It is a ministerial tool to see if a project meets engineering and zoning standards. If an application comes in that is not in compliance with the Plan and you deny it, you could win in court. On the other hand if you have a zoning application that is in compliance with the plan and you deny it for other reasons, you would most likely lose in court. The schedule as compressed will let the plan focus on the "focus" areas in time to evaluate even the pending applications. Under state law, the governing body has one year to act on a rezoning. A revised plan can be used by current and future applications. He supports the current schedule of the town plan stating that it does not cut the public out of the process.

Commissioner Kalriess took this opportunity to thank the staff for their hard work and long hours in coming up with a solution to the problems.

At this point Mayor Umstattd went around the table and asked for any additional comments. Councilmember Horne stated that Mr. Donnelly's input was very helpful, there were no other comments.

UGA/JLMA REVIEW

Susan Swift gave background information to the Council and Commission and presented a map showing the application areas. A list of twenty one applications was provided to commission and Council members in their packets. She pointed out that there were three that directly impacted the areas just outside of the Leesburg town limits. The County is near the end of their 30-day review process. After that they will ask for comments from the town. The Mayor asked if we would then have 30 days. Ms. Swift said that normally the town has 30-days, however, a letter was sent to the County asking for a) a joint Planning Commission meeting, and b) extension of the 30-day timeframe. To date a response has not been received.

Mayor Umstattd asked for comments around the table.

Councilmember Zoldos commented that there were three applications, Crosstrail, Creekside and Fern Cliff that will directly affect the town. He went on to say that there is a large subdivision that is being built across of Heritage High School. At one point there as an ad hoc committee to try to control some of the rampant development, but it appears that now they are being built. The town will receive no revenue from this development, but will receive negative impact as a result of it.

Councilmember Horne said that any development will, at this point will have a negative impact with regard to traffic, school populations, etc.

Councilmember Burke said basically because of one of the three applications, the residents of the town and the county will lose a park site.

Commissioner Jones asked if they could get a better understanding of things if they knew what tools they don't have to work with. Several of these parcels were rezoned. What can the town rely on if the adjacent jurisdiction keeps changing things. The town needs to get a good understanding of what is happening and needs to work with the County.

Commissioners Kalriess and Hoovler echoed Mr. Jones' comments and asked just what tools are in place?

Commissioner Bangert said that this was her priority. There needs to be a charrette process with the County on the UGA/JLMA area. She asked Susan Swift if this charrette process is in the planning stages. Susan Swift responded that it is being discussed at the moment, but no firm plans have been established yet. Commissioner Bangert went on to mention the letter that was sent to the County Planning Commission regarding the CPAMs. The question is are we trying to be involved with all 21 CPAMs or only those that are directly adjacent to the Town Limits. She addressed Mr. Zoldos' comment on the subdivisions coming up just outside the Town limits and mentioned the need to open the lines of communication to make sure that the Town gets input on things close to town. Even though the Commission would have no control, it would be satisfying to know that the Town's comments were taken into consideration and put on the record.

Commissioner Vaughan said that the Planning Commission should be interested in all twenty-one of the CPAMs, especially from a transportation point of view.

Commissioner Bangert is willing to extend the timeframe of the Town Plan because she feels that the UGA is the most important part of this plan.

Commissioner Wright stated that the focus of the Planning Commission should be on the CPAMs that are in the immediate area of the town boundary. Possibly a briefing from the Town Attorney and Susan Swift on the rules of engagement in the urban growth area and joint land management area would be helpful.

Councilmember Hammler had no specific question on the CPAMs. She did comment that we need to take our destiny into our own hands as it relates to our top priorities, health, welfare and safety. We need to make sure that the UGA is a key part of the town plan.

Mayor Umstatt commented that even though everyone is interested in what is going on on the Route 28 corridor, the Commission and Council should focus on those areas directly adjacent to the town limits for review. There has been some dialogue with the County on previous referrals, but that was under the old, slow growth Board. The new Board would most likely not be attentive to recommendations of reduced numbers of homes in particular developments. Traffic implications are most critical. As it stands now, the town is not required to provide utilities to those areas. However, if the town decides to annex, it will put costly constraints on the utility plants. New homes in the town are going to require more services. Annexation can prove unwise, the net cost

could be higher than revenues provided. Will staff have the time to analyze the critical CPAMs. Regarding the CPAM that puts Bolen Park at risk, some staff believe that the road improvements put in place will work if traffic is diverted away from Leesburg, if roads go toward Leesburg it will add 40,000 trips per day. Is it better to have all residences east of us rather than west of us, as is the current case, with most of the businesses in the eastern end of the County. Currently this is causing people to have to drive through or around Leesburg to get to their place of employment.

Commissioner Jones asked if the annexation AADPs were still in effect. Is there any control over subdivisions that are immediately outside the town limits? We can't control our own destiny if we don't know what tools are available.

Town Attorney Donnelly said that we can't regulate land use in the Urban Growth Area. The AADPs give us no legal authority. The AADPs are only for the annexed area. Years ago there was legislation on the books to allow control within two miles of town limits. However any disagreements between Town and County, the County would prevail. The AADPS need to have language strong enough to clearly define who needs to provide utilities to the UGA.

Commissioner Wright commented that the two mile limitation on subdivision control relates to how the land is cut up and is a ministerial use. The town attorney agreed.

Councilmember Horne asked if it is clear that town staff involvement in the CPAM review will not pull the staff away from meeting the Town Plan schedule. Susan Swift said the drafts will be provided to the Commission and Council as promised in the schedule.

Commissioner Kalriess commented that perhaps the Planning Commission should consider a subcommittee to review the CPAMs. This would help allow staff to concentrate on the Town Plan. It is a priority to keep the Town Plan on schedule.

Councilmember Zoldos concurred with the comments on the CPAM and the focus should be open lines of communication between the Town Council, the Planning Commission and the staff regarding any information on them.

ADJOURNMENT

At this point Mayor Umstattd thanked everyone for their attendance and participation and adjourned the meeting at 9:04pm.

Prepared by:

Approved by:

Linda DeFranco, Commission Clerk

Clifton Vaughan, Chairman

